

**WILLIAMSBURG CITY COUNCIL
APRIL 12, 2007
MINUTES**

The Williamsburg City Council held its regular monthly meeting on Thursday, April 12, 2007, at 2:00 p.m., in the Council Chambers of the Stryker Building.

ATTENDANCE

Present were Ms. Zeidler and Messrs. Haulman, Chohany, Freiling and Braxton. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Staff Attending: Assistant City Manager Miller, Assistant City Attorney Workman, and Department Heads Clayton, Nester, Hudson, Deputy Chief Geddy for Chief Weiler, Deputy Chief Sloggie for Chief Yost, Serra and Walentisch. Ms. DeWitt arrived late from Leadership Historic Triangle class.

CALL TO ORDER

Mayor Zeidler called the meeting to order.

COUNCIL MINUTES

Mr. Haulman Moved That City Council Approve the Minutes of March 5 and March 8, and Special Meetings of February 17, March 19 and March 20, 2007. The Motion Was Seconded by Mr. Braxton.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

MATTERS OF SPECIAL PRIVILEGE

Excellence in Service to Williamsburg Presented to Kim Perry, Emergency Communications Operator

Mayor Zeidler invited Ms. Perry to join her at the podium. She read the recognition outlining Ms. Perry's work in the Communications Center. The Mayor presented Ms. Perry with a copy of the recognition and the Excellence in Service to Williamsburg Award plaque.

Ms. Perry thanked Council and the audience. (applause)

Introduction, President-Elect of the Student Assembly at the College of William and Mary

Mayor Zeidler introduced Mr. Zack Pilchen, President-Elect of the Student Assembly at the College of William and Mary.

Mr. Pilchen said that he was newly-elected and a city resident. Students and year-long residents of the city are in a reciprocal relationship and need to maintain a dialog in order to approach issues that affect all. He read a portion of a 2004 letter from the Mayor to all students, which was a message of cooperation, open communication, and positive progress. Mr. Pilchen noted that 326 William and Mary students were bumped from the

housing lottery this week. Many students believed the city did not welcome them as residents, and applied for on-campus housing. Students would like to discuss the city's three-person housing rule with Council. He looked forward to talking to City Council in the future.

Mayor Zeidler thanked Mr. Pilchen for his comments and for introducing himself. Council enjoyed working with Brian Scofield last year and looked forward to working with Mr. Pilchen.

Public Hearing on Fiscal Year 2008 Budgets (Budget adoption scheduled for May 10 Meeting)

A. Operating and Capital Budgets for the Fiscal Year Commencing July 1, 2007

B. Property Tax Rate of \$.54 per \$100 of Assessed Value

C. Proposed Water Rate of \$3.30 per 1,000 gallons

References for the budget items were copies of the public notices placed in the *Virginia Gazette*. Mr. Tuttle said the amount of the proposed General Fund was \$33,332,575, the Utility Fund \$4,612,480 and CIP \$11,882,974. The property tax rate will remain unchanged. The water rate is proposed to increase from \$3.00 to \$3.30 per thousand gallons of water. Mr. Tuttle recommended the public hearings be held together. The budget is scheduled for adoption on May 10.

Mayor Zeidler opened the public hearings.

Mike Ludwig, 3012 Mossy Creek Drive, founder of Support Schools Now, an organization whose mission is to make sure the WJCC schools receive the funding it needs. Mr. Ludwig thanked Council for supporting the School Board's operating budget request. He encouraged city residents to come to the County's Board of Supervisors meeting to talk about school funding. Council's support of preschool expansion and the CEO program was appreciated. CEO is a highly supervised program with security on site. Teachers support CEO and are dedicated to the program. They are concerned about not being able to work with the kids.

No one else wished to speak. The hearings were closed.

Mayor Zeidler invited citizen comment on the budget at the May Work Session, by e-mail or letter, before its May 10 adoption.

Public Hearings

PCR #07-013: Request of S.L. Nusbaum Realty Co. to Rezone 14.88 acres (NW corner of Route 199 and Quarterpath Road) from RS-1 Single Family Dwelling District to ED Economic Development District Conditional (with proffers), for the Quarterpath Crossing Shopping Center, *Proposed Ordinance #07-19*

Reference for this item was Mr. Nester's report dated April 12, 2007. Mr. Nester reviewed the information in his report using Powerpoint slides. Nusbaum Realty Company is proposing to rezone 14.88 acres (NW corner of Route 199 and Quarterpath Road) from Single Family Dwelling to ED district (with proffers). The 2006 Comprehensive Plan designates this site for economic development land use. The property is located across from Riverside's "Quarterpath at Williamsburg" mixed use project.

Mr. Nester explained the conceptual plan for the proposed shopping center. The proffers state that there will be no residential dwelling units on the property, the Quarterpath Road and Route 199 road and intersection improvements will be completed at no cost to the city, and the city will construct a waterline extension to the site. Nusbaum will pay for the design and construction of the waterline which needs to be completed before the issuance of the COP.

Mr. Nester provided a history of the designation of this land in previous Comprehensive Plans. The current Comprehensive Plan states that this property provides an opportunity for a commercial center and designates a greenbelt. The next PCR case will address the greenbelt issue. The majority of this property is in the Corridor Protection District and is subject to review by the ARB.

A comprehensive traffic study for the Quarterpath at Williamsburg Development included this parcel, and staff is still working on the final details of the study. Water and sewer plans for the site have been reviewed by the Public Utilities Department. Final details of the street improvements need to be resolved and VDOT must give its approval.

Planning Commission recommended that City Council rezone this parcel with proffers, and to implement the recommendation, Council would need to adopt Proposed Ordinance #07-19.

Mr. Freiling disclosed that he is an employee of the Colonial Williamsburg Foundation (current owner of the property), and that he will refrain from discussion and abstain from voting on this matter.

Mayor Zeidler opened the public hearing.

Robert Kinning, 657 Fairfax Way, Kingsmill, urged Council to deny the rezoning request. It is premature to the long term interests of the city and residents. The City should wait until after the Riverside development is completed. This developer is marginal compared to other major retail developments planned in the area. By waiting, Council could approve a development that would enhance and compliment the Riverside Development, protect the entrance into the city, sustain the tax base, and create a stable tenant base.

Alice Matthews Erickson, 241 William Barksdale, Kingsmill, referenced a recent newspaper article about this development and asked if this was a "done deal" or if Council was actually voting today. Kingsmill residents have just heard about this proposal. A nearby huge new shopping center is planned for York County to open Spring of 2008. She referenced a recent newspaper article about the work force shortage. Where will the people come from to work in all of the new shops? Route 199 was constructed as a through road and this would be the first "destination" on that road. Why rush? She asked that the land be left undeveloped and that Council vote no.

Alvin Anderson, Attorney, representing Nusbaum Organization, spoke in support of the rezoning. He said that Nusbaum has been working with the city, Colonial Williamsburg, and consultants, on this proposal for years, to be able to present this proposal to Council today. They have dealt with the aspects of developing property adjacent to a former city land fill. Nusbaum has worked with the representatives of the Riverside organization so that this is not a free-standing, separate, unintegrated development, but part and parcel of the overall development of "Quarterpath at Williamsburg." Access and entrance issues have

been addressed by the development representatives and they have worked on the drainage issues to use a shared basin. These plans, specifications, and proposals are interlocking. This rezoning to economic development is supported by the Comprehensive Plan, which has been thoroughly reviewed and scrutinized, and designates this area as an appropriate location for a well planned commercial center. Through the Comprehensive Plan process, the Planning Commission, City Council, and planning staff have suggested this rezoning, and Riverside has worked with the applicant to make this rezoning a reality.

Mr. Anderson addressed Council's questions.

Mr. Anderson stated that he continues to represent the Riverside project. They fully endorse this project. A recent study on the Riverside project suggested a use such as this on this adjacent property. A plus of a mixed use product is the ability to walk to goods and services.

Mr. Anderson said that this proposal is a "neighborhood commercial" development. He added that the non-residential, non-office, non-service type property located at Route 199 and Route 60 will be "destination retail." Mr. Anderson hoped for high end tenants, but he could not release names at this time.

Barbara Pfeiffer, 103 Links of Leith, Fords Colony, questioned the distance between the two developments on either side of Quarterpath Road. She thought it would be too far for people to walk.

Donna Malvin was concerned about unnecessary growth for more shopping centers, the welfare of the next generations, quality of life, water and air being compromised, the destruction of woodlands, and other environmental issues. Development is not the way to go at this time. She asked that Council explore beyond the dollar signs and look at the consequences. Retain the 75 foot greenbelt and protect the natural resources.

Pat Kinning, 657 Fairfax Way, Kingsmill, addressed the historical prospective. Mr. Rockefeller left the trees around Colonial Williamsburg. It is a jewel. We need to protect the historic area from all the shopping. People don't mind traveling in cars to shop. Please don't rezone; keep this peaceful entrance into Colonial Williamsburg. Keep the trees. Keep our ambiance. She loves the city and does not want it to change.

Dave Andrews, 308 Bailey Drive, resident and homeowner, spoke in support of the project. We have one grocery store in the city at present. This is a quality project that will increase tax revenue and help offset the costs for additional residents of the Riverside Development.

No one else wished to speak. The public hearing was closed.

Staff addressed Council's questions regarding:

- Development rights under the current zoning which was single family detached dwellings.
- Annexation of the property into the city in 1984. The city decided at that time to wait to rezone the property until a specific proposal was presented for this sizeable property, which would allow for proffers to be offered for primary infrastructure

improvements.

- The last three Comprehensive Plans have designated this property as a good location for commercial development.
- Uses for the out parcels to the front of the property.
- City Attorney has reviewed the proffers.
- Water service will be designed to handle the shopping center and looped into the city system. The Quarterpath line will link into lines along major roadways and will be part of the master utilities plan for the area. It will be sufficient to provide fire flow.
- The sewer system and pump stations are in the HRSD system.
- The 75 foot setback includes the BMP.
- The city's setback requirement for commercial development is 75 feet; James City County's is 50 feet.
- The commercial area for this development is half the size of High Street.

The Mayor commented that this is a use that has been anticipated for years and has been recommended for approval by the Planning Commission. This property is designated Corridor Commercial and will be reviewed by the ARB. It will be a good amenity for Riverside's development.

Mr. Haulman Moved That City Council Approve Proposed Ordinance #07-19, An Ordinance to Rezone Approximately 14.88 Acres Located at 1440 and 1450 Quarterpath Road (Northwest Corner of Route 199 and Quarterpath Road) From RS-1 to ED Conditional. The Motion Was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Braxton, Zeidler, Haulman, Chohany

No: None

Abstain: Freiling

(See Attached Adopted Ordinance #07-16)

PCR #07-014: Amendment of the Zoning Ordinance, Economic Development District ED, to allow modifications to the greenbelt adjacent to commercial use, Proposed Ordinance #07-20

Reference for this item was Mr. Nester's report dated April 12, 2007. Mr. Nester reviewed the information provided in his report. The 2006 Comprehensive Plan recommends a special use permit process to allow for adjustments to greenbelt requirements. It was originally proposed to modify the vegetation and width of the greenbelt with a special use permit. The revised proposal suggests modification to the vegetation within the greenbelt only. The width of the greenbelt could not be reduced. The proposal would apply only to this ED District, but perhaps in the future, this would be applied to all greenbelts. Mr. Nester reviewed the greenbelt requirements as applies to the proposed Quarterpath Crossing development and photographs of other greenbelts on Route 199.

The Planning Commission recommended that Council deny the original proposal as outlined in the ordinance. Since that time, Nusbaum has revised their plans to provide a 75 foot greenbelt. Staff prepared the revised ordinance allowing modifications to the vegetation within the required greenbelt with a special use permit, but ensures that the width of the greenbelt cannot be reduced.

Staff recommended that approve the revised proposal only allowing modifications to the vegetation within the required greenbelt (Revised Proposed Ordinance #07-20).

Mr. Freiling disclosed that he is an employee of the Colonial Williamsburg Foundation (current owner of the property), and because this matter is connected to the previous rezoning, and because of advice received from the City Attorney, he will refrain from discussion and abstain from voting on this matter.

Mayor Zeidler opened the public hearing.

Victor Smith, Counselors Close, advocated open process in government and thought special use permits were helpful. The barrier between the road and development should be increased, and there should be more trees/vegetation to block the view into the developed area. If there is a severe storm and trees are lost, other trees and vegetation would be left to provide a barrier. Economic development can be helpful under the right circumstances, and he understood Mr. Anderson's position.

Alvin Anderson, Attorney, Kaufman and Canoles, representing Nusbaum Realty, addressed the greenbelt recommendations along this corridor as per the 2006 Comprehensive Plan. This parcel contains a 75 foot greenbelt; outside of the parcel there is a VDOT right-of-way. He asked for Council's approval of the revised ordinance and said the text change would set forth a policy, procedure, and process for a special use permit, to provide for city, Planning Commission, and Council review. He noted all of the information that must be provided with an SUP application according to the proposed ordinance. A reduction in the width of the greenbelt would not be allowed.

Nanci Bond, Suri Drive, addressed Council about the importance and preservation of the variety of trees in Williamsburg. She referenced the language in city guidelines dealing with preservation, trees, greenbelts, and the Chesapeake Bay regulations. It makes sense to keep the trees and work around them, so that Williamsburg is a more beautiful and appealing place. She asked that Council deny the proposed ordinance. As to the *revised* proposed ordinance, she suggested that it be adopted with language added that the greenbelt can be modified by embellishing, enhancing, and adding to the vegetation and trees, rather than allowing anything that would diminish vegetation and greenery.

Helen McConnell, Williamsburg, agreed with Ms. Bond, and urged that City Council keep the current regulations for greenbelts. Do not diminish the greenbelt. With many recent development projects, the trees have disappeared. Visitors to our city enjoy our trees. We need to have a strong tree program, with strong laws. Please save the trees.

Robert Kinning, 657 Fairfax Way, endorsed the comments of the previous two speakers. A view to the back side of the proposed shopping center from Route 199 would be undesirable and he supported adding vegetation in the greenbelt.

Barbara Pfieffer, 103 Links of Leith, Fords Colony, was happy about the 75 foot greenbelt, but she was concerned about removing trees from the greenbelt. Leave the greenbelt as it is and supplement with evergreen trees to better shield the development from view. She was concerned about losing natural trees. She asked that Council defer its decision until it is known what will be done in the greenbelt. This greenbelt area will affect the rest of what is done on

Route 199 toward Route 60.

Pat Kinning, 657 Fairfax Way, Kingsmill, hoped that the developers ask for permission to take out the trees. Trees were removed from High Street. When you travel along Route 199, you should see trees, not stores.

No one else wished to speak. Mayor Zeidler closed the public hearing.

Council members and staff discussed:

- The amendment applies only to the ED District, and only applies to retail and commercial uses.
- Currently, city ordinance reads that deadfall will be left undisturbed.
- Commercial visibility versus greenbelt issue. Modifications may be needed to provide for visibility but with protection of the greenbelt character. Add the words "and enhance" to Section 21-367 (6) d, 1, ii.
- Signage in the greenbelt for the development property.
- A land disturbing permit will not be issued until the site plan is fully approved (buildings and landscaping also reviewed).
- The special use permit application for modifications provides for thorough review and approval by the city.
- VDOT approval is needed for any changes in its right-of-way.
- ARB review of the buildings, signage, view, and landscaping. In accordance with the ordinance, an approved landscape plan must be maintained, and in the case of a natural disaster, the city could require that any damaged plants be replaced.

The Mayor appreciated the work of the Planning Commission to maintain the 75 foot greenbelt, because greenbelts are important to protect our corridors, the ambiance and view shed of the city. She understood her colleagues agree. She liked Mr. Haulman's suggestion to add the words "and enhance" be added after "preserve" in the referenced section of the ordinance, to make corridors more beautiful. There are multi-levels of review to ensure what everyone wants; the protection of plant materials and enhancement of its beauty.

Mr. Haulman Moved That City Council Adopt the Revised Proposed Ordinance #07-20, An Ordinance Amending the Code of the City of Williamsburg, Chapter 21, Zoning, ED District, Section 21-367(6), Greenbelts, With the Addition of the Words "and enhance," Inserted After the Word "preserve" in Section 21-367 (6), d., 1., ii. The Motion Was Seconded by Mr. Braxton.

Recorded Vote on the Motion:

Aye: Braxton, Zeidler, Haulman, Chohany

No: None

Abstain: Freiling

(See Attached Adopted Ordinance #07-17)

REPORTS

Monthly Financial Statement

The Monthly Financial Report was received and ordered filed.

Monthly Operating Reports

The Monthly Departmental Operating Reports were received and ordered filed.

Planning Reports

PCR #07-008: Amendment of the Zoning Ordinance, Downtown Business District B-1, to Increase the Residential Density from 14 Units /Net Acre by Right to 8 Units/Net Acre by Right, and Up to 22 Dwelling Units/Net Acre with a Special Use Permit Approved by City Council with a Maximum of 10 Units Allowed on an Individual Lot.

Reference for this item was Mr. Nester's report dated April 4, 2007. Mr. Nester said this item comes to Council from the Planning Commission with no recommendation. This change to the Zoning Ordinance was proposed to implement a portion of the recommendations of the 2006 Comprehensive Plan for the Center City North area. Mr. Nester explained that his recommendation to the Planning Commission was to rezone to 14 units by right (maximum of 10 dwelling units on a lot) in the B-1 Downtown Business District, with some minor changes to the yard requirements in certain areas. A motion on this proposal failed. A second motion for approval of the original proposal of 22 units with a special use permit ended in a tie vote. That is why no recommendation came forward to Council. All other cases for Center City North were tabled until next week.

Mr. Nester outlined three options for Council:

1. Schedule a public hearing for May 10 for a density of up to 22 dwelling units/net acre with a special use permit, a maximum of 10 dwelling units/lot, and minor yard requirement revisions.
2. Schedule a public hearing for May 10 with no changes to the existing by right density of 14 dwelling units/net acre (as staff recommended to the Planning Commission).
3. Take no action until the rest of the Center City North recommendations are received from Planning Commission.

Council members and Mr. Nester discussed the three options, particularly Option 2.

Mr. Chohany was concerned about the Planning Commission being pulled out of the loop, but it makes sense to move forward based on Council's past actions.

The Mayor pointed out that the Commission deadlocked on this issue which is an unusual situation. There was no recommendation, but Council has received a report and a lot of information to consider. Mr. Freiling noted that the Planning Commission's minutes reflect its intent to support the 22 units was an effort to support the recommendation of the Comprehensive Plan. Council has already made the decision, based on comments from the community, that it will not approve rezoning to 22 units. The ten units per lot limit is a further restriction on 14 units per acre by right. Mr. Nester explained the intent of the limit was to promote a mixed use downtown area with pedestrian scaled buildings and housing.

Council members concurred on Option 2 and to advertise a public hearing.

Mr. Chohany Moved That City Council Hold a Public Hearing on May 10, 2007, to Amend the Zoning Ordinance, Downtown Business District B-1, to Allow A Maximum of 10 Dwelling Units on an Individual Lot and to Add Side and Rear Yard Requirements When Adjacent to

a Lot in a Residential District or the CW District. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

Hotel/Motel Regulations, Planning Commission Work Session: At the request of Mr. Freiling, Mr. Nester explained the Planning Commission's discussion (March 28 Work Session) about options related to the current 30-day occupancy limit for hotels in the city. Mr. Nester said the Commission instructed him to prepare two options for consideration:

1. Eliminate the 30 day transient occupancy, and eliminate the exchange visitor regulations
2. Create a 180 day limit instead of a 30 day limit with several exceptions.

The Commission will discuss the options next week.

Mr. Freiling suggested a third option be offered to the Planning Commission: employees of a hotel who are working at the facility would be exempt from the 30 day rule. When people live and work in the same facility, there is better care and control.

Mayor Zeidler asked Mr. Nester to prepare the options for the Commission's consideration.

Mr. Haulman noted that there are instances where extended stays are a legitimate need, but exchange visitor housing is different from that, and the two should not be conflated.

Mr. Chohany offered a possible fourth option: remove the 30 day clause and have the upper end limit not to exceed 180 days for J1 Visas or employees of the hotel property.

Mr. Haulman said the 30 day rule exists in part to ensure that facilities that are designed for short term visitors stays do not turn into long term residential units.

Council will look forward to the results of Planning Commission's discussion.

City Manager Reports

Renewal of Contract for Operation of the Joint School System

Reference for this item was Mr. Tuttle's report dated April 3, 2007, and a copy of the renewal contract, signed by the Chair of the County Board of Supervisors. City Council was familiar with the terms of the contract.

Mayor Zeidler said that Mr. Haulman and she worked on the contract negotiations and it is a fair contract for the next five year period.

Mr. Tuttle explained the termination clause of the contract and how the process would be carried out.

Mr. Freiling thanked Mayor Zeidler, the city and county administration and attorneys, and staff for their work.

Mr. Haulman Moved That City County Adopt the Joint Resolution to Amend the Restated Contract for Joint Operation of the Williamsburg/James City School System Covering the

Next Five Years, and that the Mayor be Authorized to Execute the Contract on Behalf of the City. The Motion Was Seconded by Mr. Braxton.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

(See Attached Adopted Resolution #07-03)

Williamsburg Area Transport Agreement, *Proposed Ordinance #07-21*

Reference for this item was Mr. Tuttle's report dated April 5, 2007, which included the proposed ordinance and agreement. Mr. Tuttle introduced Ms. Miller to review the agreement.

Ms. Miller said that City Council received an overview of the Williamsburg Transit Authority at their work session. City Council must approve the city's membership in the Authority, which will officially begin to operate on January 1, 2008.

Ms. Miller reviewed the provisions of the Cooperative Services Agreement. The city's funding portion will be \$265,000. Ms. Miller recommended that Council adopt the proposed ordinance which appoints her as the city's representative to the WATA Board, and that Ms. Carolyn Murphy serve as alternate.

Mayor Zeidler thanked Ms. Miller for her work on the Task Force, and said that one of Council's goals is to improve public transportation; this is a great milestone.

Mr. Freiling Moved That City Council Adopt Proposed Ordinance #07-21, An Ordinance to Implement the Code of Virginia Title 15.2 Chapter 68 and Join the Williamsburg Area Transit Authority, and Further, that Council Appoint Assistant City Manager Jodi Miller to Serve on the WATA Board as the City's representative, and that Deputy Planning Director Carolyn Murphy Be Appointed to Serve As Alternate. The Motion Was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

(See Attached Adopted Ordinance #07-18)

Economic Development Authority Demolition Program for Commercial Revitalization

Reference for this item was Mr. Tuttle's report dated March 27, 2007.

Ms. DeWitt said that as outlined in the city's Economic Development Strategic Plan, the EDA has enacted a Demolition Grant Program for Commercial Revitalization. The program encourages the redevelopment of underused commercial properties. It will be administered by the EDA and provide forgivable loans, capped at \$20,000, over a ten year period, by the taxes paid on the redeveloped property. Council has appropriated \$50,000 in the FY 2007 budget for economic development efforts. Ms. DeWitt recommended that Council transfer \$50,000 to the EDA subject to the Memorandum of Understanding between the city and EDA.

Ms. DeWitt explained that the loans were capped at \$20,000 in order to attract property owners, but would not be enough to do an entire project. Demolition projects would be reviewed by the EDA on a case by case basis.

Mr. Freiling commented that while this program is of benefit in certain situations, it would not incent a property owner that owned an underutilized property and was putting it on the market for sale; because they would not be able realize forgiveness of the loan. Ms. DeWitt said the EDA did not discuss that scenario. Mr. Phillips said the loan could be assumable, within the discretion of the EDA and the objectives of the program. Mr. Freiling would advocate that this be considered by the EDA to make it attractive for residents and potential buyers.

Mr. Chohany Moved That City Council Transfer \$50,000 to the Williamsburg Economic Development Authority, Subject to the Attached Memorandum of Understanding Between the City and the Economic Development Authority. The Motion was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

PPTA, Phase II Amendment, Quarterpath Road

Reference for this item was Mr. Tuttle's report dated April 11, 2007.

Mr. Clayton reviewed a slide of the improvements to Quarterpath Road and intersection at York Street. Council approved the original PPTA Design-Build Contract with Branscome in September, 2006. This addendum adds 300 feet of road reconstruction and the York Street intersection to the original contract. Staff has negotiated a cost with Branscome for contract cost of \$338,612.56 and it is recommended that Council approve the addendum.

Mayor Zeidler commented that it made sense to use the same contractor for this project.

Mr. Freiling Moved That City Council Authorize the City Manager to Execute the Addendum to Design-Build Contract with Branscome, Inc., in the Amount of \$338,612.56. The Motion was Seconded by Mr. Braxton.

Mr. Phillips said the contract does provide for a performance bond, to the extent of 25% of the amount of contract, for a four year additional warranty against trench subsidence. The cost is \$3,452.73, and if Council would like to include the bonding option, the motion would need to include the additional cost. Mr. Clayton recommended it be included because of the type of work that is involved.

Mr. Freiling and Mr. Braxton agreed to the amendment that included the additional bonding fee of \$3,452.73.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

Dominion Virginia Power Relocation Agreement, Quarterpath Road

Reference for this item was Mr. Tuttle's report dated April 5, 2007. Mr. Clayton reported that the agreement between the city and Dominion Virginia Power is for the undergrounding of existing overhead wires in conjunction with the reconstruction of Quarterpath Road. The city and developer of Village of Quarterpath will equally share the cost of the work, estimated to cost of \$527,055.16. Mr. Clayton recommended that the agreement be executed.

Mayor Zeidler noted that City Council previously agreed to underground wires during this reconstruction project.

Mr. Chohany Moved That City Council Authorize the City Manager to Execute the Agreement with Dominion Virginia Power for Relocation of Overhead Electric Facilities to Underground Along Quarterpath Road. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

H2O Help to Others Program, Proposed Resolution #07-02

Reference for this item was Mr. Tuttle's report dated April 5, 2007. Mr. Clayton reviewed the information provided in the report. This resolution endorses Hampton Roads Planning District Commission proceeding with incorporation of the Hampton Roads H2O-Help to Others-Program as a 501(c) (3) corporation. The program provides once a year financial aid to families or individuals in danger of losing residential water service due to nonpayment of a water bill. It was believed that donations would increase if they were tax deductible. The Directors of Utilities in each locality will serve as the Board of Directors. Mr. Clayton recommended adoption.

Mr. Freiling asked for clarification of the language in the recommendation regarding 501(c) (3) non-profit designation. It implied the city was establishing the program as a non-profit.

Mr. Phillips said the better wording would be "incorporating it as a non-stock, non-profit corporation that would qualify for 501 (c)(3) tax status." Application would have to be made by HRPDC to the Internal Revenue Service.

Mr. Freiling Moved That City Council Approve Resolution #07-02, Resolution Authorizing the Incorporation of the Hampton Roads H2O-Help to Others Program As A Non-Stock, Non-Profit Corporation that Would Qualify As A 501(c)(3) Tax Exempt Organization. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

(See Attached Adopted Resolution #07-02)

City Attorney Reports

Revision of the City Code, Requirements for Chauffeur Limousines/Repeal Bus Systems/Contract Carriers, Proposed Ordinance #07-22

Reference for this item was Mr. Phillips report dated April 3, 2007. Mr. Phillips said that last month City Council updated the City Code section regarding Certificates of Public Convenience and Necessity. This month, changes are recommended to update the ordinance regarding chauffeur limousines (issues of liability insurance, safety inspections, and suspension/revocation), and to repeal the sections regarding motorbus systems and contract carriers. Mr. Phillips recommended that the ordinance be adopted.

Ms. Workman responded to Mr. Chohany that shuttle service is a private contract not covered by the ordinance.

Mr. Braxton Moved That City Council Adopt Proposed Ordinance #07-18, An Ordinance to Repeal Articles IV and V and Amend and Restate Article III of Chapter 20 of the Williamsburg Code Pertaining to Vehicles for Hire. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

(See Attached Adopted Ordinance #07-19)

NEW BUSINESS

Appointments to Boards and Commissions

Mr. Haulman Moved That City Council Appoint Carl S. Ross, MD, to the Social Services Advisory Board to Fill the Unexpired Term of Ms. Diane Carnivale, to Expire December 31, 2008. The Motion was Seconded by Mr. Braxton.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

William and Mary Bone Marrow Drive: Mayor Zeidler reminded everyone that the drive will be held on April 14, 10:00 a.m.-3:00 p.m., at the Community Building.

High Street Presentation to the Neighborhoods Council by Dan Aston: Mayor Zeidler said that Mr. Aston did not present any new information. Mr. Freiling suggested that Mr. Aston make a presentation/update to Council during the summer months at a work session.

OPEN FORUM

Mayor Zeidler asked for comments.

Mr. Victor Smith, Counselors Close, addressed Council regarding:

1. The rezoning of Downtown; he asked that not everything be zoned B-1. There could be unintended consequences that would not be helpful to the character of the city.
2. Purview of the ARB.
3. The need for a Historic Tree List

4. Water quality and the cumulative effects of medications that are placed in the sewer system. He urged that people be asked to take unused meds to a recycle facility or to a drug store.

5. Suggestion that the city work with VDOT to prevent the use of sound walls.

No one else wished to speak.

The session was closed.

The meeting adjourned at 5:15 p.m.

Approved: May 10, 2007

Mayor Jeanne Zeidler

Shelia Y. Crist
Clerk of Council